

Interview Summary

Application No.

10/740,746

Applicant(s)

CHEBOLU ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

All participants (applicant, applicant's representative, PTO personnel):

(1) Samson B. Lemma.

(3) _____

(2) Scott P. Zimmernan Reg. No. 41390.

(4) _____

Date of Interview: 30 January 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: 1-11 and 23-32.

Identification of prior art discussed: _____

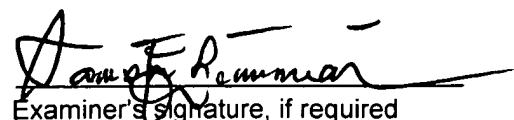
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: 1. Examiner and Applicant's representative made a telephone interview for the purpose of overcoming the 35 U.S.C. 101 rejection that would have been given to claims 1-11 and 35 U.S.C. 112, first paragraph rejection that would have been given to claims 23-32.

2. A careful review of the claims reveals that the limitation recited in independent claim 1 are all software/program and since a system claims that does not include a hardware is directed to non-statutory subject matter, applicant's representative agreed to amend the claims so that the system claims 1-11 are directed to a statutory subject matter. (See Examiner's amendment)

3. Furthermore, referring to claims 23-32, a careful review of the claims reveals that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification/original disclosure fails to mention/specify or teach the limitation "tangible computer-readable storage medium", which is added on the above respective claims when the amendment was filed on 08/01/2007.

This limitation was added for the purpose overcoming the 35 U.S.C. 101 rejection set forth in the previous office action. (See for instance office action mailed on 05/01/2007).

Based on a thorough review of the entire disclosure and a text search for "tangible computer-readable storage medium", there is no "readily apparent support" for this limitation. This raises a question which mediums are explicitly included/excluded with this limitation. Without such explicit recitation in the original disclosure, the office would not be able to determine what constitutes the " tangible computer-readable storage medium ". In other words, with out the support in the specification, it may be the case that such limitation might also include or directed to a non-statutory subject matter.

Examiner and applicant's representative agreed on the language of the claims that would overcome the 35 U.S.C. 112, first paragraph rejection that would have been given to claims 23-32. (See the Examiner's amendment)